

III. REMARKS

In the Final Office Action, claims 92-95 were rejected under 35 U.S.C. 112, first paragraph, as failing to support subject matter in the claims, with respect to a lack of showing of a claimed computer readable medium. These claims are amended to be in proper statutory form, and to be properly supported by present specification.

Claims 71, 78, 88, 90 and 95 were rejected under 35 U.S.C. 102 as being anticipated by Elsmore (4683469) for reasons set forth in the Action.

Various ones of the claims were also rejected under 35 U.S.C. 103 as being unpatentable over the cited art, namely, claims 38-44, 46-52, and 92-94 over Ali (US 2003/0197679) in view of Larson WO 02/47365, and Swerup (US 20020177464), claims 53, 56, 58-59, 61-62, 65, 77, 81-82, 86-87, 89 and 91 over Elsmore in view of Sameshima (US 20020158889), claim 63 over Elsmore in view of Sameshima and Abkowitz, claim 72 over Elsmore in view of Abkowitz, claims 64 and 69-70 over Elsmore, Sameshima and Ali, claims 66-68 over Elsmore, Sameshima and Larson, claim 73 over Elsmore and Larson, and claim 74 over Elsmore, Abkowitz and Larson.

A response to the Final Rejection was filed, but did not result in the allowance of claims, as indicated in a subsequent Advisory Action.

This RCE provides for amendment of claims, additional claims, and further argument towards obtaining allowable subject matter in the claims.

With respect to the rejections under 35 U.S.C. 102 and 103, various ones of the claims are amended and the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, considered individually

and in combination, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

Please reconsider the rejections in view of the following argument

There are ten independent claims, covering two embodiments of the invention.

For first embodiment, there are three independent claims 38, 50 and 92. This embodiment relates to a device comprising a display and first and second input keys that are associated with the display. The display is configured to display "information content" with a first orientation. First and second control content, indicating the function of the input key for example, is displayed adjacent the first and the second input keys, with the first control content being adjacent the first input key and the second control content being adjacent to the second input key.

The device is configured to change the orientation of the information content from a first orientation to a second orientation, to interchange the first function and the second function, and furthermore to provide a novel feature of this embodiment, namely:

to interchange the first control content and the second control content such that the first control content is adjacent the second input key and the second control content is adjacent the first input key.

With respect to Novelty, it is noted that, in the Advisory Action, the examiner indicates that claim 38 is obvious over Ali (US 2003/0197679) in view of Larson (WO 02/47365), and Swerup (US 2002/0177464).

Ali discloses a device comprising a display and a keypad with soft keys and fixed function keys. When the device is rotated by the user, a display mode function on the device causes the information displayed on the display to be rotated relative to the device. Ali discloses "a display mode function that rotates the

display through all four orthogonal rotations". Two of the rotations – landscape and portrait – are shown in the Ali figures. bAli discloses four soft keys: 1 – up volume, 2 – down volume, 3 – menu select, and 4 –display mode. The four soft keys are each located adjacent an icon displayed on the display. Each icon represents one of the four functions. When the display is rotated, the orientation of the icons in the display changes. There is, however, no interchange of icons, namely, the icons are not repositioned adjacent a different input key. Ali therefore fails to disclose the above-noted feature of the presently claimed subject matter:

interchanging the first control content and the second control content such that the first control content is adjacent the second input key and the second control content is adjacent the first input key.

Therefore, this feature distinguishes the presently claimed subject matter from the teachings of Ali.

Larson discloses a pocket personal computer, a screen, a field of keys rotatable relative to the screen, and four sensor strips around the field of keys to indicate the current rotational position of the field of keys in order to control the orientation of the information on the screen. When a user rotates the field of keys, the information displayed on the screen is rotated correspondingly. There is no disclosure of the above-noted novel feature:

interchanging the first control content and the second control content such that the first control content is adjacent the second input key and the second control content is adjacent the first input key.

Thus, this feature distinguishes the presently claimed subject matter over the teachings of Larson.

Swerup discloses a flip phone comprising a display and a foldable lid upon which keys are located. When the foldable lid is in the unfolded position, the keys are facing the user. When the user wishes to view the whole display, he unfolds the lid. This causes the keys to face away from the user. When the lid is unfolded, a graphical layout of the keys is provided on the side of the lid which faces the user. This assists the user in locating a key that he wishes to actuate.

With the lid in the unfolded position, the information on the screen can be rotated by 90 degrees. In this case, the graphical layout of the keys can also be rotated by 90 degrees. There is no disclosure of control content. Swerup fails to disclose the above-noted novel feature:

interchanging the first control content and the second control content such that the first control content is adjacent the second input key and the second control content is adjacent the first input key.

Thus, this feature distinguishes the presently claimed subject matter over the teachings of Swerup.

With respect to Obviousness, it is observed that, since the foregoing feature is not taught individually by any of the references Ali, Larson, and Swerup, the feature cannot be suggested by any combination of the teachings of Ali, Larson, and Swerup. Therefore, this argument overcomes the rejections based on obviousness under 35 U.S.C. 103.

By way of further argument in the matter of obviousness, the examiner states the Ali does not specifically disclose the interchange of the first control content and the second control content. However, the examiner goes on to indicate that it would be obvious to combine the rotatable screen of Larson with the teaching of Ali in order to result in the feature of interchanging the first and the second content. However, the skilled person would not look to Larson to disclose the feature of interchanging the first and the second control content. This is because

Larson fails to disclose control content. No feature which could be interpreted as control content, such as icons which relate to specific keys, are disclosed in Larson.

Secondly, the skilled person would not separate the display of Larson from the rotatable field of keys of Larson. There is nothing in Larson to indicate that the display and the field of keys are divisible features. When the field of keys rotates, the displayed content rotates. There is no suggestion in Larson that the displayed content will be capable of rotating without input from the rotatable field of keys.

If the skilled person were to take both the rotatable field of keys and the display of Larson and put them into Ali, the result would be a device which is not practical. This is because Ali discloses a user interface of a portable pulse oximeter. An array of telephone style keys such as those disclosed in Larson, will be inappropriate and unnecessary in such a medical device. The skilled person would therefore not seek to incorporate the display of Larson into Ali. Such combination of the teachings of Ali and Larson to obtain the result set forth in the presently claimed subject matter is suggestive of utilization of inadmissible hindsight.

Furthermore, it appears that the examiner opines that it is obvious to incorporate the feature of the rotation of the graphical layout of keys in Swerup into the device of Ali. The examiner alleges that the rotation of the graphical layout of keys in Swerup discloses the above noted feature of interchanging the first function and the second function. The skilled person would not seek to incorporate the rotatable graphical key layout of Swerup into Ali as it is directed to a different purpose; namely, Swerup is directed to a flip phone whereas Ali is directed to a portable pulse oximeter.

The feature that enables the graphical key layout to rotate in Swerup is the foldable lid of the flip phone. If this feature were not present, then there would be no requirement for a graphical key layout. It is only the graphical key layout which is rotatable. There is no disclosure that the keys on the other side of the foldable lid are rotatable. There is therefore no suggestion in Swerup that the feature of the foldable lid and the feature of the rotatable graphical key layout are divisible. If the skilled person wished to incorporate the rotatable graphical key layout of Swerup into Ali, he would therefore also incorporate the feature of the foldable lid of Swerup into Ali. This would contradict the teaching of Ali which is directed to a portable pulse oximeter. There is no need for a foldable lid in such a medical device, indeed it would be awkward and inappropriate. The skilled person would therefore not be motivated to incorporate the rotatable graphical layout of Swerup into Ali.

In view of the above, the combination of Ali and Larson, and the combination of Ali and Swerup would not be made and, if made, would not result in the invention as claimed. This argument shows that the claim is not obvious over the teachings of the prior art.

It is urged that the features of claim 38 are novel and non-obvious over the cited art. The foregoing arguments apply also to the independent claims 50 and 92 to overcome their rejections, and to show that these claims have novel features, and that these claims are not obvious over the cited art.

New dependent claims 96, 97 and 98 are provided. As discussed above, embodiments of the invention relate to the change in orientation of information content from a first to a second orientation. This may happen, for example, when the device is rotated 90 degrees. The first and the second functions are interchanged, and the first and the second control content are also interchanged. However, in embodiments of the invention, the device may be turned by a further 90 degrees. The orientation of information content is changed from the

second to a third orientation. However, the first and the second functions are not interchanged, and the first and the second control content are not interchanged (shown in present Figs.5b and 5c). The new claims 96, 97 and 98 capture this embodiment.

As discussed above, the examiner maintains the view that the skilled person would be motivated to adapt Ali using Larson and Swerup to result in a device in which the first and the second functions are interchanged and the first and the second control content are also interchanged. It is believed that the new claims overcome these grounds of rejection because of the various features included within these claims, which combination of features would not be obvious over the combined teachings of the cited art. These features include:

1. the first and the second functions are interchanged;
2. the first and the second control content are interchange, and
further configured that, when changing orientation:
3. the first and the second functions are not interchanged;
4. the first and the second content are not interchanged.

The second embodiment is set forth in independent claims 53, 61, 62, 71, 77, 78, and 95, and relates to the feature wherein the size of a "display area" is changed AS is disclosed in the present specification, a first device can emulate the resolution of the display of a further device by reducing the resolution of its own display (reducing its own "display area"). All the claims of the second embodiment share this feature, namely: that the claimed device receives from a further device, further information content composed on the further device. This is a novel feature of the second embodiment.

This feature provides an advantage as, for example, it allows the user of the "further device" to create content on the further device and to send it to the claimed device. Embodiments disclosed in the present specification allow the claimed device to display the content as seen by the user on the display of the further device.

In the Final and Advisory Actions, the examiner has rejected the independent claims 71, 78, and 95, which relate to the second embodiment, under 35 U.S.C. 102 (b) as being anticipated by Elsmore.

Elsmore discloses a display terminal adapted to present character information in any one of a plurality of different display formats. The purpose appears to be to provide a single terminal to accommodate a variety of different display formats. A host writes a request for a new display format into a terminal's memory (col. 2 at line 55).

Elsmore fails to disclose the feature of the present claims wherein the device receives from a further device, further information content composed on the further device. Therefore, the present claims are believed to be novel over Elsmore.

There is no disclosure in Elsmore of the composing of content at a further device, which content is later received at the device. Further, there would be no motivation for the skilled person to modify the teaching of Elsmore to arrive at this feature as Elsmore deals only with the display of content. Elsmore does not contemplate the above claimed feature wherein the device receives from a further device, further information content composed on the further device. This feature is novel and non-obvious over Elsmore.

The examiner has further rejected the remaining independent claims directed to this second embodiment (claims 53, 61, 62 and 77) under 35 U.S.C. 103 as being unpatentable over Elsmore in view of Sameshima (US 2002/015889)

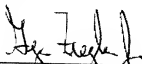
Sameshima discloses a wireless display system in which a plurality of personal computers communicate with one wireless display. Its purpose appears to be to allow information from more than one PC to be displayed on a display. The feature of "receiving from a further device, further information content composed on the further device" is not disclosed in Sameshima. This feature, in the present claims, is novel over Sameshima.

As neither Elsmore nor Sameshima disclose this feature, a combination of their teachings cannot suggest this feature. Sameshima does not contemplate this feature as it is entirely concerned with the display of content. The feature is not obvious over Sameshima, or other teachings of the cited art. Therefore, it is urged that this argument has overcome the grounds of rejection of the claims, and that the foregoing independent claims are novel and non-obvious of the teachings of the prior art. Also, this argument carries over to their respective dependent claims which are believed to be novel and non-obvious over the teachings of the prior art.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.

Reg. No. 44,004

4 June 2009

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512